IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.2704 OF 2007
in
WRIT PETITION NO. 4371 OF 2006

(The Principal, Govt. College of Engg., Chandrapur and others
V/s
Jayendra S/o Bapurao Labhane)

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's Orders.**

CORAM : **B.P.DHARMADHIKARI, J.**
DATE : **04th July, 2007**

Heard Advocate Shri N.R. Saboo for respondent and learned AGP Shri Mujumdar for applicant/original petitioners.

Advocate Shri Saboo stated that this court on 16/9/2005 has while giving interim relief protected employee Shri Sudhakar Haste in similar writ petition. For that purpose he has invited attention to order dated 16/9/2005 passed by me in W.P. No. 4413 of 2005. He states that present applicant, who is respondent in Writ Petition No. 4371 of 2006 (present petition) is senior to Shri Sudhakar Haste.

Upon instructions, learned AGP states that present applicant is senior to Shri Sudhakar Haste. He further states that the facts of present matter are entirely

different and therefore, similar treatment is not warranted.

With the assistance of both the learned counsels, I have perused the facts also. Along with present Civil Application, the respondent herein has filed a copy of order dated 01/3/2006 by which the petitioners appointed him again in terms of order of reinstatement granted by Labour Court and therefore, I do not find any change in the facts in present writ petition and earlier writ petition.

In the circumstances, the order dated 28/11/2006 passed in Writ Petition No. 4371 of 2006 granting stay in terms of prayer clause(ii) of the petition is modified to read as under :-

“By way of interim relief, it is directed that petitioner shall not recruit any employee on daily wages without first providing work to present respondent, if he reports for duty. The work so provided shall be in terms of Establishment Order No.480 dated 01/3/2006.”

Application is accordingly allowed.

JUDGE

PDiwale